

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

In re DOWNSTREAM ADDICKS
AND BARKER (TEXAS) FLOOD-
CONTROL RESERVOIRS

Sub-Master Docket No. 1:17-9002L

Hon. Loren A. Smith

THIS DOCUMENT APPLIES TO:

Abed-Stephen, Case No: 19-782L

Alford, Case No: 19-807L

Allen, Case No: 19-1924L

Asghari, Case No: 19-698L

Ashby, Case No: 19-1266L

Darby, Case No: 19-1063L

NOTICE OF RECENT AUTHORITY

In connection with their Response to the Court’s Order to Show Cause,¹ the Stayed Plaintiffs bring to the Court’s attention the recent decision of the Federal Circuit Court of Appeals in *Alford v. United States*,² holding that in flood-taking cases such as these, “[t]he relative benefits doctrine requires determining whether the burden on the plaintiffs’ property is outweighed by the benefits conferred on that property.”³ The Federal Circuit

¹ ECF No. 208; ECF No. 228

² *Alford v. United States*, No. 2019-1678, 2020 WL 3393533 (Fed. Cir. June 19, 2020)

³ *Id.* at *6.

further states:

The cases make clear that our inquiry must be focused on the particular property owned by the plaintiffs and claimed to have been damaged. See *Sponenbarger*, 308 U.S. at 266, 60 S.Ct. 225 (focusing its inquiry on the benefits to the “particular tract of land” at issue); *Accardi*, 599 F.2d at 429–30 (focusing its relative benefits analysis on the “plaintiffs’ real properties”); *Hendler*, 175 F.3d at 1382–83 (explaining that the relative benefits doctrine balances “the harm caused [to] the landowner by the Government’s ... action [with] any special benefits that happen as a result to accrue to the [landowner’s] land”).⁴

Respectfully submitted,

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⁴ *Id.* at *3.

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